

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14683, of Monte Hickman, pursuant to 11 DCMR 3107.2, for a variance from the use provisions (Section 721) to allow on the first floor an auto repair shop in a C-2-A District at premises rear 1351 H Street, N.E., (Square 1027, Lot 148).

HEARING DATE: October 21, 1987

DECISION DATE: October 21, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises rear 1351 H Street, N.E., is located on the south side of H Street, between 13th and 14th Streets. The site is located in a C-2-A District.

2. The site is an alley lot rectangular in shape with a width of 21.40 feet and a depth of 50 feet. It is located to the rear of lot 147. A 30 foot wide public alley abuts the site to the south. The subject site is improved with a building consisting of 1,070 square feet. The structure contains a service area for one car, laboratory facilities and office space.

3. The C-2-A District extends in all directions from the site. A C-3-A District is located approximately 100 feet to the east of the site.

4. Pursuant to 11 DCMR 3107.2 the applicant is seeking a variance from the use provisions (section 721) to allow an auto repair shop to operate in the structure.

5. BZA Appeal No. 5586, dated July 15, 1959, granted an application to allow the establishment of an auto repair shop at the site. The use was established and continued. A valid certificate of occupancy was never secured for the use.

6. The applicant/owner of the site leases the site to a tenant, who has operated an auto repair shop at the site since 1980.

7. The facility will continue to perform minor automobile repairs including body and fender work. There is no heavy equipment present at the site. There is no space available to enlarge the existing building.

8. The proposed hours of operation are from 7:30 A.M. to 5:00 P.M. Monday through Saturday.

9. Two or three cars will be serviced daily. No more than one car will remain at the facility overnight. The tenant will only service cars which can be repaired in one day.

10. Three employees will work at the site.

11. Several other uses similar to the one proposed are located on the alley at the interior of the square.

12. Because of the configuration of the structure and lot, the site could not reasonably be used for a matter-of-right use.

13. Advisory Neighborhood Commission (ANC) 6A submitted no report on the application.

14. A resident of the neighborhood submitted a letter in support of the application.

15. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a use variance, the granting of which requires a showing through substantial evidence of a hardship upon the owner arising out of some unique or exceptional condition in the property so that the property cannot reasonably be used for the purpose for which it is zoned. The Board must further find that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

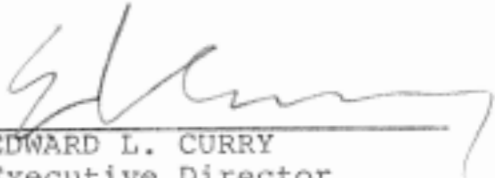
The site is unique in that a use variance was granted in 1959 for the site to be used as an auto repair garage. The site has been used as such and the building would have to undergo major alterations to be suitable for a use permitted as a matter-of-right. The Board notes that the area is developed with similar commercial uses.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED.

VOTE: 5-0 (Charles R. Norris, Patricia N. Mathews,
Paula L. Jewell, William F. McIntosh and
Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: NOV 2 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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